IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 8813 of 1995

Between:

V Abdul Maseed

..... PETITIONER

And

1.The Director, Town & Country Planning, A.P.,
A.C. Guards, Hyderabad
2.The Commissioner, Rayadurg Municipality,
Rayadurg, Ananthapur District.
3.The Assistant Engineer (Operation),
A.P.S.E.B., Rayadurg, Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ or order directing the 1st respondent to approval the proposal of assignment o the site in S.No.242 L.P.No.46/48 admeasuring 25x40 abutting Dasappa Road, Rayadurg Municipality, Rayadurg, Ananthapur District after calling for the records relating to the proceedings of the 1st respondent in L.Dis.No.1738/94/a1 dated 24/1/1995 and 2nd respondent in R.C. No.1668/94/C1 dated 9/2/95 and quash the same.

Counsel for the Petitioner: MR.P.INNAYYA REDDY

Counsel for the Respondent No.1: G.P. FOR MUNICIPAL ADMINISTRATION.

Counsel for the Respondent No.2: MR.K.MAHENDER REDDY.

Counsel for the Respondent No.3: NONE APPEARED.

The Court made the following:

ORAL ORDER:

Heard both sides.

2. The petitioner seeks a direction to the first respondent to accord approval to the proposal of assignment of the site in S.No.242 L.P.No.46/48 admeasuring 25 x 40' abutting Dasappa Road, Rayadurg Municipality, Rayadurg, Anantapur District.

3. It appears that the petitioner has made a representation for assignment. The Municipality, Rayadurg, accepted it, passed a resolution and forwarded the same through its Special Officer seeking approval of the first respondent. Subsequently, the second respondent informed the petitioner that the said resolution of the Municipality, Rayadurg, was not accepted by the first respondent.

4. The learned counsel for the petitioner submits that the impugned order of the first respondent was communicated to the petitioner through the second respondent, which does not contain the

reasons and in normal course, each and every order should contain the reasons while rejecting any representation and hence on that score alone the impugned order is liable to be set aside.

5. At the outset, this submission cannot be sustained inasmuch the impugned order was passed by the first respondent, the competent authority, after considering the proposal forwarded by the Municipality, Rayadurg, which was communicated to the petitioner through its Special Officer. The grant of assignment is not a vested right. But, a person has a right for being considered for grant of assignment as per the established principle of law. However, since the impugned order had been issued in the year 1995, it is always open for the petitioner to make a representation afresh to the authorities concerned within a period of four weeks from the date of receipt of a copy of this order and on such making a representation, the same shall be considered by the respondents keeping in view the need and scenario, in accordance with law.

6. With the above observations, the writ petition is disposed of. However, there shall be no order as to costs.

29TH JULY 2004 D.S.R.VARMA, J

KRK

To:

1.The Director, Town & Country Planning, A.P., A.C. Guards, Hyderabad.
2.The Commissioner, Rayadurg Municipality, Rayadurg, Ananthapur District.
3.The Assistant Engineer (Operation), A.P.S.E.B., Rayadurg, Ananthapur District.

4.Two CCs to the Government Pleader for Municipal Administration, High Court Buildings, Hyderabad (OUT).

5.Two CD copies.

6.One spare.